

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LOUIS LEDESMA,

Plaintiff,

vs.

STATE OF NEVADA, et al.,

Defendants.

3:13-cv-00102-MMD-WGC

ORDER

re: Doc. # 49

Before the court is Plaintiff's Motion for Order to Stay Briefing Schedule (DKT 41). (Doc. # 49.)¹ However, the court perceives that the relief Plaintiff is seeking is for the court to vacate the Scheduling Order.

The first ground asserted in plaintiff's motion is that he has filed a "Motion for Relief of Judgment" which is pending before District Judge Miranda Du (Doc. # 25). The "judgment" from which Plaintiff seeks relief appears to be District Judge Du's Screening Order (Doc. # 9). Because no "judgment" has been entered, this court anticipates that Judge Du may interpret Plaintiff's motion for relief of judgment as a motion for reconsideration. However, regardless of how Judge Du may address Plaintiff's motion, it does not appear Plaintiff's motion for relief from judgment would provide any basis for vacating the current Scheduling Order.

Plaintiff's motion is also predicated upon his filing of a Motion for Service by Publication upon Defendants Espinoza, Guerrero and Kyker. (Doc. # 48.) The motion for service by publication has not yet been responded to by defendants, but even if it were to be granted, Plaintiff would have to bear the costs of service by publication. Since Plaintiff has been granted in forma pauperis status in this case (Doc. # 20), Plaintiff will have to demonstrate a capability of making payment for the anticipated costs

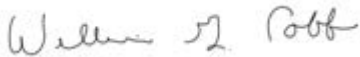
¹ Refers to court's docket number.

1 of publication. While the ability to bear costs can be addressed at a subsequent date and time, the
2 pendency of a motion for service by publication would not provide a basis for the court to vacate the
3 current Scheduling Order (Doc. # 41).

4 Therefore, Plaintiff's Motion for Order to Stay Briefing Schedule (Doc. # 49) is **DENIED**. If
5 Plaintiff believes an extension of the discovery deadline is appropriate at a later point in time, he may
6 make such a motion but should be mindful of the deadlines for doing so contained in the Scheduling
7 Order for this civil rights action. (Doc. # 41.)

8 IT IS SO ORDERED.

9 DATED: August 29, 2014.

10 
11

WILLIAM G. COBB
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28